



U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

CALIFORNIA DIVISION

650 Capitol Mall, Suite 4-100

Sacramento, CA. 95814

February 13, 2006

IN REPLY REFER TO

HDA-CA

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Mr. Will Kempton, Director
California Department of Transportation
1120 N Street
Sacramento, CA 95814

Attention: Federal Resources Office, MS #82
For Ross A. Chittenden, Transportation Programming

Dear Mr. Kempton:

SUBJECT: RURAL (NON-MPO) 2004/05-2006/07 FSTIP AMENDMENT NO. 18

We have completed our review of Amendment Number 18 to the rural, non-metropolitan planning organization (non-MPO) portion of the 2004/05-2006/07 Federal Statewide Transportation Improvement Program (FSTIP). As detailed in the enclosure to your letter, this amendment proposes to add one new individual project listing and two grouped project listings to the FSTIP, and to modify six grouped or individually listed projects previously included in the 2004/05-2006/07 FSTIP.

Because the new FSTIP listing for the Rawhide Road over Woods Creek bridge replacement project is proposed in Tuolumne County, which is designated an air quality non-attainment region for the eight-hour ozone standard, and because 23 CFR 450.216(a)(4) requires that projects included in the FSTIP for designated non-attainment and maintenance areas be limited to only those transportation projects found to conform, or from programs that conform, to the requirements contained in the U.S. Environmental Protection Agency's (U.S. EPA's) Transportation Conformity regulations, we are unable to approve the inclusion of the Rawhide Road over Woods Creek bridge replacement project in the current FSTIP pending receipt of the documentation demonstrating that the project conforms to the requirements in the U.S. EPA's Conformity Regulations.

This amendment proposes the addition of two statewide projects or activities that are administered by the State and support the planning and delivery of local projects proposed for funding with Highway Bridge Rehabilitation and Replacement (HBRR) program funds. Specifically, the amendment programs a total of \$4.1 million in FY 2005/06 and 2006/07 for the Statewide Scour Plan of Action project, and \$4.0 million in FY 2005/06 for planning associated with the Bridge Preventative Maintenance Program. These activities, which support the HBRR program, are consistent with the project classifications listed in Table 2 of 40 CFR §93.126 and in 23 CFR 771.117(c) and (d). We are approving the programming of the HBRR program funds for these two statewide activities in the non-MPO portion of the FSTIP with the understanding



that the California Department of Transportation, Division of Transportation Programming, will work with California's MPOs to include separate listings for these two activities in each individual metropolitan federal transportation improvement program (FTIP). The new MPO FTIP listings for these two projects may omit the funding information normally required for a FTIP project listing provided the MPO's FTIP listings for the two projects reference the funding that is committed to the activities in the non-MPO portion of the FSTIP. We encourage the State to begin working immediately with California's MPOs to include these projects in the current 2004/05-2006/07 metropolitan FTIPs, as well as those 2006/07-2008/09 metropolitan FTIPs currently being developed.

We accept this amendment in accordance with 23 CFR part 450 and find that the amended FSTIP is based on a continuing, cooperative and comprehensive transportation planning process, and was developed in accord with the statewide planning provisions in 23 USC 135. With the exception of the Rawhide Road over Woods Creek bridge replacement project cited above, the changes proposed to the FSTIP by this amendment are associated with projects that are exempt from the requirement that a conformity determination be made, or are proposed for implementation in areas of the State of California that are designated as attainment or unclassified for Federal air quality standards, and as a consequence, are not subject to the requirement that a conformity determination be made. These findings have coordinated with the Region IX offices of the Federal Transit Administration (FTA) and U.S. Environmental Protection Agency (U.S. EPA). We are approving this amendment to the 2004/05-2006/07 FSTIP for the rural (non-MPO) areas of California in accord with the July 15, 2004, *Memorandum of Understanding between the Federal Highway Administration, California Division, and the Federal Transit Administration, Region IX*.

If you have questions or need additional information concerning our approval of this FSTIP amendment, please contact Wade Hobbs of the FHWA California Division office at (916) 498-5027, or by e-mail at wade.hobbs@fhwa.dot.gov.

Sincerely,

/s/ Leslie T. Rogers

/s/ K. Sue Kiser

Leslie T. Rogers
Regional Administrator
Federal Transit Administration

For
Gene K. Fong
Division Administrator
Federal Highway Administration

c: (e-mail)

Karina O'Connor, EPA Region IX

Ted Matley, FTA Region IX

Randy Steen, Caltrans Federal Resources

Abhijit Bagde, Caltrans Programming

Terry Abbott, Caltrans Local Programs

Each California MPO

cc:

Rural (Non-MPO) FSTIP Binder

WEH